

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA**

<b>UNITED STATES OF AMERICA</b>	)	
<b>v.</b>	)	<b>CASE NO: 2:05-cr-00290-WKM-WC</b>
	)	
<b>EDDIE ANDREW GORDON</b>	)	
	)	
<b>Defendant</b>	)	

**MOTION FOR CREDIT FOR TIME SERVED IN THE MONTGOMERY JAIL  
AWAITING DISPOSITION OF FEDERAL CASE**

COMES NOW the Defendant through his counsel of record and moves that he receive sentencing credit for the time that he has served in the Montgomery City Jail pending disposition of his federal case. Mr. Gordon is being classified as a “state prisoner” by the U.S. Marshals while he is being held in Montgomery City Jail. Under federal sentencing laws and regulations one classified as “state prisoner” awaiting his federal case disposition does not receive sentencing credit for such time.

Mr. Gordon argues that this “state prisoner” status is misleading and that he has been denied sentencing credit for the time that he has been incarcerated pending disposition of his federal charge. Even though he has been sentenced as a state prisoner and was in “state prisoner” status at the time that he was transferred to the Montgomery City Jail, he should not have been continued to be so classified.

The Montgomery City Jail is not a state prison. It is a holding facility. It lacks the resources available in a state prison. For example, most inmates in the Montgomery City Jail cannot even have an outside recreation period. There are no programs or facilities available for rehabilitation or job training.

Mr. Gordon's incarceration in the Montgomery Jail has denied him the opportunities that other "state prisoners" who are incarcerated in the normal state prison facility would have. The action of the federal marshals in having him held in the Montgomery City Jail pending his federal charges have denied him his state prisoner treatment.

WHEREFORE he submits that his time spent in the Montgomery City Jail pending disposition of his federal case should be counted towards as time served towards his federal sentence.

Dated on October 5, 2007.

Respectfully submitted,

s/Everett M. Urech

EVERETT M. URECH

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Susan Redmond, Assistant United States Attorney, Office of U.S. Attorney, Montgomery, Alabama 36104.

s/Everett M. Urech  
EVERETT M. URECH